



Pacific Northwest Bell

Sixteen Hundred Bell Plaza
Seattle, Washington 98191

April 3, 1985

Ms. Judi Schwartz
Superfund Branch M/S 525
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

RECEIVED

APR 4 1985

SUPERFUND BRANCH

Dear Ms. Schwartz:

I have reviewed your letter of March 11, 1985 describing the remedial options necessary to clean up the Western Processing toxic dump site. It is evident that either a multimedia cap, excavation, or a combination of both are the most likely means of action.

Please be cognizant of the fact that Pacific Northwest Bell has an extensive east-west underground duct and cable system located on South 196th Street that extends easterly under the railroad tracks and serves a large industrial area to the east.

I am enclosing a copy of RCW 19.122 which stipulates that an excavator is responsible for notifying the owner through a one-number locator service prior to excavating within the vicinity of underground facilities. The excavator is also responsible for the necessary support and protection of the facilities during the construction period, including backfilling. We are also concerned about access to our manhole located on South 196th Street within the site boundry. Vehicular access will be necessary for maintenance and cable construction activities. Also the manhole lid must remain accessible for entry into the manhole.

Pacific Northwest Bell is not in opposition to capping or excavating, we only wish to bring these concerns to your attention to alleviate any unforeseen economic or construction problems concerning our underground system located within the site.

I wish to thank you for the cooperation and assistance your agency has given us in the past. If you have any questions or if I can be of any assistance please call.

Sincerely,

Duane E. Costa
Staff Manager
Room 2808
(206) 345-2972

Enclosure

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such damage.

NEW SECTION. Sec. 8. The notification and marking provisions of this chapter may be waived for one or more designated persons by an underground facility owner with respect to all or part of that underground facility owner's own underground facilities.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 19 RCW.

Passed the House February 17, 1984.

Wayne Ed
Speaker of the House.

Passed the Senate February 22, 1984.

John A. Cherberg
President of the Senate

Approved March 7, 1984

[Signature]
Governor of the State of Washington

FILED

MAR 7 1984

SECRETARY OF STATE
STATE OF WASHINGTON

11:03 am

EB1147

RCW 19.122

IN THE LEGISLATURE
of the
STATE OF WASHINGTON



CERTIFICATION OF ENROLLED ENACTMENT

SUBSTITUTE HOUSE BILL NO. 857

Chapter 144, Laws of 1984

48th Legislature
Regular Session

Passed the House JANUARY 27 1984

Yeas 81 Nays 8

Passed the Senate FEBRUARY 22 1984
as amended

Yeas 38 Nays 5

CERTIFICATION

2-27-84: The House concurred in the Senate amendments and passed the Bill as amended by the Senate.

Yeas 79 Nays 17

I, Dean B. Foster, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is enrolled Substitute House Bill No. 857 as passed by the House of Representatives and the Senate on the dates hereon set forth.

[Signature]
DEAN B. FOSTER, Chief Clerk

1 (4) In any action brought under this section, the prevailing
2 party is entitled to reasonable attorneys' fees.

3 NEW SECTION. Sec. 5. (1) An excavator who, in the course of
4 excavation, contacts or damages an underground facility shall notify
5 the utility owning or operating such facility and the one-number
6 locator service. If the damage causes an emergency condition, the
7 excavator causing the damage shall also alert the appropriate local
8 public safety agencies and take all appropriate steps to ensure the
9 public safety. No damaged underground facility may be buried until
10 it is repaired or relocated.

11 (2) The owner of the underground facilities damaged shall arrange
12 for repairs or relocation as soon as is practical or may permit the
13 excavator to do necessary repairs or relocation at a mutually
14 acceptable price.

15 NEW SECTION. Sec. 6. An excavation of less than twelve inches
16 in vertical depth on private noncommercial property shall be exempt
17 from the requirements of section 3 of this act, if the excavation is
18 being performed by the person or an employee of the person who owns
19 or occupies the property on which the excavation is being performed.

20 NEW SECTION. Sec. 7. (1) Any person who violates any provision
21 of this chapter, and which violation results in damage to underground
22 facilities, is subject to a civil penalty of not more than one
23 thousand dollars for each violation. All penalties recovered in such
24 actions shall be deposited in the general fund.

25 (2) Any excavator who wilfully or maliciously damages a field-
26 marked underground facility shall be liable for treble the costs
27 incurred in repairing or relocating the facility. In those cases in
28 which an excavator fails to notify known underground facility owners
29 or the one-number locator service, any damage to the underground
30 facility shall be deemed wilful and malicious and shall be subject to
31 treble damages for costs incurred in repairing or relocating the
32 facility.

33 (3) This chapter does not affect any civil remedies for personal
34 injury or for property damage, including that to underground
35 facilities, nor does this chapter create any new civil remedies for

1 excavation.

2 (6) "Identified facility" means any underground facility which is
3 indicated in the project plans as being located within the area of
4 proposed excavation.

5 (7) "Identified but unlocatable underground facility" means an
6 underground facility which has been identified but cannot be located
7 with reasonable accuracy.

8 (8) "Locatable underground facility" means an underground
9 facility which can be field-marked with reasonable accuracy.

10 (9) "Marking" means the use of stakes, paint, or other clearly
11 identifiable materials to show the field location of underground
12 facilities, in accordance with the current color code standard of the
13 American public works association. Markings shall include
14 identification letters indicating the specific type of the
15 underground facility.

16 (10) "Person" means an individual, partnership, franchise holder,
17 association, corporation, a state, a city, a county, or any
18 subdivision or instrumentality of a state, and its employees, agents,
19 or legal representatives.

20 (11) "Reasonable accuracy" means location within twenty-four
21 inches of the outside dimensions of both sides of an underground
22 facility.

23 (12) "Underground facility" means any item buried or placed below
24 ground for use in connection with the storage or conveyance of water,
25 sewage, electronic, telephonic or telegraphic communications,
26 cablevision, electric energy, petroleum products, gas, gaseous
27 vapors, hazardous liquids, or other substances and including but not
28 limited to pipes, sewers, conduits, cables, valves, lines, wires,
29 manholes, attachments, and those parts of poles or anchors below
30 ground.

31 (13) "One-number locator service" means a service through which a
32 person can notify utilities and request field-marking of underground
33 facilities.

34 NEW SECTION. Sec. 3. Before commencing any excavation, the
35 excavator shall provide notice of the scheduled commencement of
36 excavation to all owners of underground facilities through a one-

1 number locator service. If no one-number locator service is
2 available, notice shall be provided individually to those owners of
3 underground facilities known to or suspected of having underground
4 facilities within the area of proposed excavation. The notice shall
5 be communicated to the owners of underground facilities not less than
6 two business days or more than ten business days before the scheduled
7 date for commencement of excavation, unless otherwise agreed by the
8 parties.

9 Upon receipt of the notice provided for in this section, the
10 owner of the underground facility shall provide the excavator with
11 reasonably accurate information as to its locatable underground
12 facilities by surface-marking the location of the facilities. If
13 there are identified but unlocatable underground facilities, the
14 owner of such facilities shall provide the excavator with the best
15 available information as to their locations. The owner of the
16 underground facility providing the information shall respond no later
17 than two business days after the receipt of the notice or before the
18 excavation time, at the option of the owner, unless otherwise agreed
19 by the parties. Excavators shall not excavate until all known
20 facilities have been marked. Once marked by the owner of the
21 underground facility, the excavator is responsible for maintaining
22 the markings. Excavators shall have the right to receive
23 compensation from the owner of the underground facility for costs
24 incurred if the owner of the underground facility does not locate its
25 facilities in accordance with this section.

26 The owner of the underground facility shall have the right to
27 receive compensation for costs incurred in responding to excavation
28 notices given less than two business days prior to the excavation
29 from the excavator.

30 An owner of underground facilities is not required to indicate
31 the presence of existing service laterals or appurtenances if the
32 presence of existing service laterals or appurtenances on the site of
33 the construction project can be determined from the presence of other
34 visible facilities, such as buildings, manholes, or meter and
35 junction boxes on or adjacent to the construction site.

36 Emergency excavations are exempt from the time requirements for

Sec. 3

1 notification provided in this section.

2 If the excavator, while performing the contract, discovers
3 underground facilities which are not identified, the excavator shall
4 cease excavating in the vicinity of the facility and immediately
5 notify the owner or operator of such facilities, or the one-number
6 locator service.

7 NEW SECTION. Sec. 4. (1) Project owners shall indicate in bid
8 or contract documents the existence of underground facilities known
9 by the project owner to be located within the proposed area of
10 excavation. The following shall be deemed changed or differing site
11 conditions:

12 (a) An underground facility not identified as required by this
13 chapter or other provision of law; and

14 (b) An underground facility not located, as required by this
15 chapter or other provision of law, by the project owner or excavator
16 if the project owner or excavator is also a utility.

17 (2) An excavator shall use reasonable care to avoid damaging
18 underground facilities. An excavator shall:

19 (a) Determine the precise location of underground facilities
20 which have been marked;

21 (b) Plan the excavation to avoid damage to or minimize
22 interference with underground facilities in and near the excavation
23 area; and

24 (c) Provide such support for underground facilities in and near
25 the construction area, including during backfill operations, as may
26 be reasonably necessary for the protection of such facilities.

27 (3) If an underground facility is damaged and such damage is the
8 consequence of the failure to fulfill an obligation under this
9 chapter, the party failing to perform that obligation shall be liable
10 for any damages. Any clause in an excavation contract which attempts
11 to allocate liability, or requires indemnification to shift the
12 economic consequences of liability, different from the provisions of
13 this chapter is against public policy and unenforceable. Nothing in
14 this chapter prevents the parties to an excavation contract from
15 contracting with respect to the allocation of risk for changed or
16 differing site conditions.

SUBSTITUTE HOUSE BILL NO. 857

State of Washington 48th Legislature 1983 Regular Session
by Committee on Energy & Utilities (originally sponsored by
Representatives D. Nelson, Isaacson, Gallagher, Todd and West)

Read first time January 20, 1984.

1 AN ACT Relating to underground utilities; adding a new chapter to
2 Title 19 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. Sec. 1. It is the intent of the legislature in
5 enacting this chapter to assign responsibility for locating and
6 keeping accurate records of utility locations, protecting and
7 repairing damage to existing underground facilities, and protecting
8 the public health and safety from interruption in utility services
9 caused by damage to existing underground utility facilities.

10 NEW SECTION. Sec. 2. Unless the context clearly requires
11 otherwise, the definitions in this section apply throughout this
12 chapter:

13 (1) "Business day" means any day other than Saturday, Sunday, or
14 a legal local, state, or federal holiday.

15 (2) "Damage" includes the substantial weakening of structural or
16 lateral support of an underground facility, penetration, impairment,
17 or destruction of any underground protective coating, housing, or
18 other protective device, or the severance, partial or complete, of
19 any underground facility to the extent that the project owner or the
20 affected utility owner determines that repairs are required.

21 (3) "Emergency" means any condition constituting a clear and
22 present danger to life or property, or a customer service outage.

23 (4) "Excavation" means any operation in which earth, rock, or
24 other material on or below the ground is moved or otherwise displaced
25 by any means, except the tilling of soil less than twelve inches in
26 depth for agricultural purposes, or road and ditch maintenance that
27 does not change the original road grade or ditch flowline.

28 (5) "Excavator" means any person who engages directly in

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195



School of Public Health and Community Medicine
Department of Environmental Health, SC-34

October 11, 1983

Phil Peters
Industrial Hygiene Division
Department of Labor & Industries
P.O. Box 207
Olympia, WA 98504

Ref. #75-5

Dear Mr. Peters:

The two referenced samples of sludge from a telephone cable vault adjacent to the Western Processors site were analyzed for metals by ICP-AE Spectroscopy and for Polychlorinated Biphenyls and other organics by gas chromatography. The results are summarized as follows:

P.C.B.s: Arochlor 1254 was detected at about 2 μ g/gram sample. (2 ppm)

Organic Solvents: None detected at identifiable levels which would be about 50 ng/gram sample (50 ppb).

Metals: Major components: zinc - 3000 ppm
Al - 6000 ppm
Minor components: Lead - 154, As-160
Fe - 148, Cu - 216
Mn - 320, Ni - 100
Trace components: Se 48, Cd 24, Cr 26
Co 10, Sb 70, Tl 78

The minor and trace metals screened by ICP can be subject to interference from major components; therefore the reported values are approximate, should be considered a maximum value. We recommend further confirmatory analysis before (if) any action is taken based on minor or trace metal components.

Sincerely,

Lee E. Monteith
Laboratory Supervisor

LEM:se

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SUPERIOR BRANCH

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JOHN SPELLMAN
Governor



SAMUEL
DUGG

STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
DIVISION OF INDUSTRIAL SAFETY & HEALTH
300 West Harrison Street
Seattle, Washington 98119
November 9, 1983

Mr. P. G. Mason
Staff Specialist - Corporate Safety
Pacific Northwest Bell
1600 Bell Plaza, Room 2011
Seattle, WA 98191

Report No. 2200

Dear Mr. Mason:

At your request, a health evaluation was conducted at two cable vaults adjacent to Western Processing site, Kent, Washington. The purpose of the evaluation was to determine concentration of contaminant(s) in the spaces and to recommend appropriate personal protective equipment for entry.

Please find enclosed sample data forms and laboratory analysis for water, sludge, and airborne samples collected. The bulk sludge sample collected at Manhole No. 194 did indicate low concentrations of heavy metals and PCB.

Safe entry and work operations can be accomplished through normal confined space entry procedures. If the spaces are extremely wet after pumping, ventilation should be maintained for a reasonable period of time to accommodate some modicum of dryness. Personal protective equipment should include rubber boots, impervious gloves (if practical), and disposable coveralls. Respiratory protection will not be required. Personal hygiene should include washing of exposed skin after work operations cease and before smoking or eating.

This completes the evaluation as requested. Should you have any questions in regards to the evaluation, sampling, or analysis, please give me a call at 281-5533.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "R. H. Kost", written over a horizontal line.

Richard H. Kost
Industrial Hygiene Consultant

RHK:mjw
Enclosures
cc: D.E. Costa

EB1152



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Johnson
Nyberg
Sweeney
Maggis
Stiles

<input checked="" type="checkbox"/>	N. KIRCHOFF
<input type="checkbox"/>	A. LENSCH
<input type="checkbox"/>	V. DAVIS
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School of Public Health and Community Medicine
Department of Environmental Health, SC 31

Mr. Frank Blanchard,
Safety Specialist
Pacific Northwest Bell
3408 N.E. 4th
Renton, WA 98055

HISTORY

EYI - this involves a navh.

April 2, 1982
*in Blanchards area
Rent.*

*cc: To Blanchard
original to T.A. Cook
WALL 9/4/82*

Dear Mr. Blanchard:

At your request the Department of Environmental Health conducted an industrial hygiene evaluation to determine the possible risk to Pacific Northwest Bell employees to contact with contaminated water in an underground vault.

The site was visited on December 3, 1981 and a sample of ground water which had flooded the vault was collected for chemical analysis.

Since there was no way of knowing the possible nature of the chemical contamination present in the vault, some reasonable assumptions were made as to the possible chemical nature of the contamination. The water was checked for its pH, which would be an indication whether the contamination was an acid or an alkaline material. The Seattle-King County Health Department was asked to determine if there was fecal coliform bacteria present which would indicate whether the ground water was contaminated by sewage. Finally, a simple head space analysis was conducted for the presence of hydrocarbons which may have entered the water from the adjacent chemical recycling plant.

All the above mentioned analysis proved negative. The pH of the water was 6.8 or essentially that of neutral water. Seattle-King County Health Department reported that there was 12 fecal coliform bacteria/ml of water, a result that is consistent with ground water that is not contaminated by sewage. In typical sewage contaminated water one would see hundreds to thousands of fecal coliform/ml. The hydrocarbon analysis revealed only a very moderate level of contamination which would not pose any significant health hazard.

Based upon an understanding of the standard work practices and policies adopted by Pacific Northwest Bell and specifically the requirement that the vault be supplied continuously with fresh air from outside, it is our conclusion that there exists no health hazard due to the possible inhalation of airborne contaminants.

It is not known whether the material in the water may cause some dermal irritation. For this reason we recommend that either the working area be washed free of the material or that workers wear appropriate gloves or protective devices on their hands to prevent contact of the skin with any of the contamination.

If you have any questions or concerns regarding this report, please do not hesitate to contact me at (206) 543-9711.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Schumacher".

Robert L. Schumacher
Teaching Associate

RLS:se

cc: Steve Cant, L&I